



Social licence in the marine sector: A review of understanding and application

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ARTICLE INFO

Keywords:

Social licence
Social acceptability
Ocean conservation
Marine management

ABSTRACT

Our global oceans are threatened by climate change, overfishing, pollution and a growing list of other impacts that demonstrate an urgent global need for sustainable ocean management. Whilst marine conservation initiatives and protected ocean spaces have increased over recent years, ocean management still lags behind the terrestrial sectors in incorporating and involving communities in its development. ‘Social licence to operate’ is used broadly across the terrestrial literature, but its understanding and application within the marine has been limited to date. This review sought to collate and synthesise instances of social licence in the marine realm as documented in the literature, aiming to create an understanding that may inform future research and development of social licence. Its results determine that social licence is yet an emergent concept in the marine sector but there may be great potential for its application in the marine context. Social licence has become an important theme for development in marine industry and resource use, particularly towards exploring communication and stakeholder engagement. This paper identifies future themes and areas requiring investigation and application in this domain.

1. Introduction

Declining marine biodiversity and the increasing effects of human population growth and climate change on the oceans are gaining public attention worldwide [30]. As consumers become more affluent and communities more informed, expectation for sustainability and sustainable practices are fast becoming ‘the norm’ and communities are pushing for transparency and more involvement in decision making processes [23,55]. With increasing demand for natural resources, a concomitant positive trend towards engagement and partnership with users and citizens is emerging, and global discussion on citizen involvement in policy and decision-making processes is growing [5]. Stakeholder involvement has been demonstrated to improve the rigour and strength of decisions made, as well as the capacity of relationships amongst diverse parties, to promote successful outcomes for biodiversity [77]. Ocean management decision-making processes are complex, needing to address a wide range of concerns across multiple marine resources uses, as well as to adapt to a changing global climate. Trends are moving towards understanding and appreciating resource usage and perceptions from multiple perspectives [8] and active stakeholder participation in these processes is becoming widely accepted as necessary [48,66].

Social licence, as a concept, has not been universally defined but for clarity, this paper considers it ‘an unwritten social contract’ [55] that reflects opinions and expectations of the broader community on the impacts and benefits of industry and government practices [25]. It is tacit permission that communities and society may grant for industry or government to utilise or control a resource (i.e. the marine environment, or components of it). Social licence occurs alongside other more formal legal requirements that may, or may not, explicitly require community involvement and consultation. Improved stakeholder engagement and empowerment help to promote learning and communication and generate holistic understanding of resource usage that are beneficial towards improving the capacity of ocean management in our changing world [59] and the literature increasingly champions the role of community in decentralising management [5,6]. Further, conservation planners have an ethical responsibility to include local community voices in management decision making [8].

Worldwide, the cultural identities of local communities are intimately linked to their traditional values and uses of the marine environment [3]. Recognition of the significance of these cultures and social objectives in resource management is growing, with increasing focus on novel concepts including the ‘social licence to fish’ [59] and

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there is great potential to explore how this may relate to cultural, social and individual ‘rights to fish’. Nevertheless, there is limited guidance on how to advance this recognition towards actually incorporating social aspects of resource conservation into management and planning [8]. Broad differences exist in perspectives of sustainability, that revolve around the interaction of resource use and exploitation with other ecosystem components [37]. Social licence may play an important role in framing how stakeholder interests interact and how effective and collaborative management decisions can be achieved [55]. Incorporating ‘bottom-up’ approaches in management and encouraging communication and engagement amongst community and industry, can allow for more opinions to be heard and more ocean conservation objectives to be addressed [27,71]. There may be great potential for dialogic approaches towards defining social licence, as well as developing criteria for awarding it, managing it and sustaining it [60].

The purpose of this review is to assess how, and to what extent, social licence has been applied in the marine sector to date. It is likely that social licence, as a term, will continue to have currency given its widespread use but its evolution as a resource management tool will likely differ depending on industry, resource and project context [35]. Further, social licence may be used interchangeably with the concept of ‘corporate social responsibility’ (CSR) in industry and academic literature, but whilst there is substantial interaction between the two, they remain two distinct concepts [12]. CSR, as a broader concept, addresses the social responsibilities that emerge from the corporate-stakeholder relationship and social licence is a component of this, providing a platform for the development of a ‘stakeholder-centric extension’ of CSR within industry [34]. This paper’s exploration focuses on applications of social licence in marine industries and management to identify future themes and areas requiring investigation and application in this realm. First however, social licence is defined from the terrestrial literature, exploring its origins, applications and development as a foundation for the later investigation of, and comparison to, the marine.

1.1. Social licence

Contemporary use of ‘social licence to operate’ first appeared in the mining industry as a metaphor, paralleling communities’ influence and ability to stop mining projects with governmental ability to do the same [18]. Since Jim Cooney (Placer Dome Inc. mining company, Canada) coined ‘social licence’ in 1997 [17], it has become commonplace in the mining [20], oil and gas [76], forestry [25], paper-pulp mill [33] and wind power industries [34] amongst others [17,35]. This increasingly widespread use has allowed social licence to evolve from a metaphoric concept to a strategic management tool [18] that can be actively applied to planning and management in socio-political development.

Social licence suggests a governance role that perhaps proves misleading because there is not, necessarily, any formal process for attaining it [20]. Obtaining (and maintaining) social licence remains distinct (although often interrelated) from the formal licencing of permits and concessions by government and state bodies [43]. Instead, social licence is an informal social contract between industry (and resource managers) and community that must be earned and sustained on the basis of clearly demonstrated responsible performance as perceived by the community [18]. Legal licences are tangible and issued by governing authorities for fixed timespans but social licence is typically intangible and impermanent and must be earned and actively maintained over time [45]. Regulatory approval or licencing of an activity to proceed does not necessarily indicate that it has social approval or licence [25]. Social licence raises many questions about who is defined as ‘community’; what thresholds exist for support and endorsement; and which processes or metrics are involved.

Social licence has no formal basis in law [76] yet it is subtly tied to many legal processes towards gaining legal licence. Obtaining social licence does not guarantee a legal licence to operate, but it may still become regulatory in requiring certain types of behaviour and imposing

sanctions (i.e. withdrawn support) on a company that fails to comply with the expectations and demands of stakeholder groups [50]. Companies may now require social licence in addition to their legal obligations [60] and many licences require public consultation, as legal licencing alone has become increasingly insufficient in satisfying societal expectations. Whilst it has no legal force or standing, strong public opposition can directly affect the success of industry initiatives and industry recognise the need to obtain social licence to avoid potentially costly conflict with communities [62]. For these reasons, it is easier to identify where social licence has not been granted or has been withdrawn than where it exists, but positive indicators include, from [76]:

- *‘The reduction or absence of vocal opposition to development,*
- *Continued and increasing constructive participation in community and stakeholder dialogue,*
- *Advocacy and expression of support for development,*
- *Cooperation in community-based activities and enhancement measures, and*
- *Willingness of key stakeholders to enter into partnerships or other forms of agreement’.*

Social licence reflects the changing quality and strength of industry’s engagement and relationship with communities of stakeholders [35]. It indicates ‘ongoing acceptance’ of a company or industry’s activities [17] and has become a vital component of viable and sustainable resource use and development [43]. Industry play a central role in the construction of social licence because they are both the party seeking it and the party with direct influence over how engagement and communication with community can proceed. Poor engagement processes and negative reputations of community engagement may jeopardise the construction and maintenance of social licence [34]. Social licence cannot be considered a short-term achievement nor a linear process. Its evolution from metaphor to management tool arises from the efforts of community and industry to define and measure it to produce a potentially valid and applicable instrument [18]. Definitions and interpretations vary across industries and the literature but there is consensus that social licence has potentially at least as much influence as legal licencing [17] as both legal and social ‘licences’ can make or break an industry. It creates a new dimension for resource management – acceptance that must be obtained from all stakeholders affected by an industry’s activities or resource usage [57].

Society is increasingly concerned as to how natural resources, including the marine environment, are utilised and developed and practices and uses that are not perceived as socially acceptable are unlikely to obtain social licence [25]. Some companies are adopting social licence as a component of their corporate responsibility strategy (CSR). Certainly, social licence can act as a means to realise the commitments made through CSR, which itself embodies certain principles and practices [12], but to achieve such acceptance, or ‘social licence’ [71], industry will need to prioritise communication and the strength of their relationship with stakeholders [34]. Different stakeholder and community groups identify and create different objectives and criteria for granting social licence and not all of these groups hold equal influence [76]. Ergo social licence is earned through a combination of efforts and activities; lead by timely communication and meaningful dialogue, encouraging and demonstrating ethical and responsible behaviours that can contribute to building trusted and credible relationships between industry, managers and community [76]. Since its origins, social licence has become less of a voluntary initiative and more a ‘de facto prerequisite for development’ and further, is a critical indicator of ongoing business viability [46].

Environmental management of ocean and coastal systems is difficult [47], with diverse opinions as to how resources and uses can be sustainably distributed. This review explores the discussion and application of social licence in this context, giving particular focus to marine protected areas (MPAs), aquaculture and fishery industries. Recognition is

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